

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

John Cleary,
Plaintiff

KENNETH KIYER, ET AL.,
Defendants

ORIGINAL

CIVIL ACTION NO. 1:00-2125

(Judge Caloway)

FILED

OCT 26 2001

9/8
PER
HARRISBURG, PA. DEPUTY

PLAINTIFF'S REQUEST FOR DOCUMENTS

Authority: Fed. R. Civ. P., Rules 26, 30 through 33, and
L.R. 5.4(c).

To THE JUSTICE of said court:

- 1.) Plaintiff has requested documents of discovery from the defendants, who have only provided partial discovery documents.
- 2.) Plaintiff has filed a motion of objection to the defendant's Notice of Deposition.
- 3.) Defendants have intentionally, knowingly, and willingly sought to intimidate and retaliate against plaintiff by way of its affiliation in the Department of Corrections at the State Institution at Pittsburgh.

4.) Plaintiff has received a misconduct (No. A287023) see attached; for refusing to go to S.C. I. Camphill for a deposition which plaintiff has objected to by way of said motion in this court, which puts further risk, strain, and detriment upon the plaintiff's liberty, person, and property.

5.) Defendants have continuously denied plaintiff's request of documents as burdensome, irrelevant, and/or vexatious.

6.) Defendants do not know plaintiff's defense or use of documents in motions, pre-trial or trial.

7.) Plaintiff averts that unless the defendants comply with his legal requests of documents, Plaintiff will not comply in the defendant's request of deposition.

8.) Plaintiff has fully complied with defendants' discovery requests and asks that this court intervene in this process.

9.) The plaintiff's request of discovery are as follows:

9 copies of all grievances (DC-304) and the dispositions thereto, filed by prisoners housed in the S.M.U. at Camphill between October 10, 1997 and September 27, 1999, involving inmate mail.

b) Copies of C.C.D.C. year books from 1997, until 2001.

c) The reports of defendant's records pertaining to progress, reprimands, and actions taken against defendants in or within their job duties.

d) The investigation reports of these matters, including but not limited to the Internal Affairs reports.

e) The OM-1 administrative policy procedures.

f) Each of defendant's current and/or former association and membership in/or on a board or commission to an agency entity, and/or unit within the Commonwealth of Pennsylvania

g) Plaintiff's DC-17X housing report from October 10, 1997 until September 27, 1999.

h) Defendant's computer tracking record of plaintiff's incoming and out going inmate mail, from October 10, 1997 and September 27, 1999.

i) Defendant's psychological, psychiatric, and classification records, et. seq. of the plaintiff, including, but not limited to the psychological report filed by S.C.I. Cresson for the plaintiff's admission to the S.M.U. at Camp Hill.

j) The Department of Corrections employee's Code of Ethics handbook, revised edition.

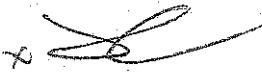
10.) The Supreme Court broadly described the primary purpose of 1983 in the following terms:

"The very purpose of §1983 was to interpose the federal courts between states and the people, as guardians of the people's federal rights - to protect the people from unconstitutional action under color of state law," whether that action be executive, legislative, or judicial, see Mitchum v. Foster, 407 U.S. 225, 238-39, 92 S.Ct. 2151, 32 L.Ed.2d. 705 (1972)

Therefore, Plaintiff request that this court grant this motion.

October 18, 2001.

DATED:



John Cleary #DF5779
P.O. Box 99901

Pittsburgh, Pa 15233

for S.C. Prisoner

A 287023

NOTICE TO INMATE

You are scheduled for a hearing on this allegation on the date and the time indicated or as soon thereafter as possible. You may remain silent, if you wish. Anything you say will be used against you both at the misconduct hearing and in a court of law if this matter is referred for criminal prosecution. If you choose to remain silent, the hearing committee/examiner may use your silence as evidence against you. If you indicate that you wish to remain silent, you will be asked no further questions. If you are found guilty of a Class I misconduct, any pre-release status you have will be revoked.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

John Cleary,
PLAINTIFF

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CIVIL ACTION NO: 1-CV-00-2125
(Judge Caldwell)

KENNETH KYLER, ET. AL.,
DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that I am this day depositing in the U.S. mail a true and correct copy of the foregoing Plaintiff's Requests for Documents, upon the person(s) and manner indicated below.

service by first class Mail
addressed as follows:

Office of Chief Counsel
Mr. Raymond W. Dorian
Assistant Counsel
55 Utley Drive
Camp Hill, Pa 17011

John Cleary #DF5779
Box 99901
Pittsburgh, Pa 15233


John Cleary w/NET--